

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY CH D.C.
05 APR 20 PM 2:25
ROBERT R. DI TROLO
CLERK OF U.S. DIST. CT.
W.D. OF TN-JACKSON

UNITED STATES OF AMERICA,)

Plaintiff,)

VS.)

SHARN RAYNARD MILAN,)

Defendant.)

Cr. No. 01-10031-T-An

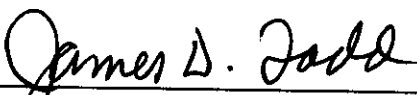
ORDER DENYING MOTION TO WITHDRAW
AND DENYING MOTION TO CONTINUE SETTING DATE


On February 17, 2005, the Sixth Circuit Court of Appeals vacated the judgment of this court as to Sharn Milan and remanded the case for re-sentencing. The re-sentencing date has been set for May 18, 2005. Defense counsel Robert C. Brooks, who was appointed to represent Defendant pursuant to the Criminal Justice Act, has moved to withdraw from further representation on the grounds that (1) his practice is now limited to direct appeals and (2) he has "prior obligations" that prevent his appearing in this court on behalf of Defendant. The motion to withdraw is DENIED. Limiting a legal practice to direct appeals is not a choice under the Criminal Justice Act.

The Government has moved to continue the date of the re-sentencing on the ground that the Department of Justice has filed a petition for a rehearing en banc. The Government asks the court to remove the re-sentencing from the court's calendar until all proceedings

before the Court of Appeals have been concluded. The motion to continue is DENIED as premature. The appellate proceedings may be concluded by May 18, 2005. If not, the Government can renew its motion closer to that date.

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE


DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 396 in case 1:01-CR-10031 was distributed by fax, mail, or direct printing on April 25, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT